

SERVICE DATE - LATE RELEASE OCTOBER 17, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42072

CAROLINA POWER & LIGHT COMPANY

v.

NORFOLK SOUTHERN RAILWAY COMPANY

Decided: October 16, 2003

By complaint filed on February 1, 2002, Carolina Power & Light Company (CP&L) challenges the rates charged by Norfolk Southern Railway Company (NS) for trainload movements of coal from origins in Virginia, West Virginia, and Kentucky to CP&L's Roxboro and Mayo electricity generating facilities in North Carolina. CP&L alleges that NS possesses market dominance over the traffic and requests that maximum reasonable rates be prescribed, along with other relief. The parties filed opening evidence on June 10, 2002; reply evidence on October 11, 2002; rebuttal evidence on November 27, 2002; and briefs on February 28, 2003.

In a decision served on October 9, 2003, an oral argument in this proceeding was scheduled for October 29, 2003. By decision served on October 14, 2003, the record was reopened for limited purposes, and the oral argument was rescheduled for Wednesday, November 19, 2003, beginning at 10:00 a.m., in the Surface Transportation Board Hearing Room (Room 760), at 1925 K Street, N.W., Washington, D.C.

The parties in this case will each have 45 minutes of argument time. CP&L will open and may reserve part of its time for rebuttal if it so chooses. The October 9 decision required each party to provide the full name and title of its speaker to the Board, together with a written summary (not to exceed 3 pages) of the specific points it wishes to discuss at the oral argument no later than October 22, 2003. Because the oral argument has now been rescheduled for November 19, 2003, each party will be required to identify its speaker and file the above-described written summary as soon as possible, but no later than November 12, 2003.

If a party wishes to enhance its argument by using projector-adaptable visual displays and/or handouts, it may do so. Staff will be available to demonstrate the Hearing Room's

projection system on Tuesday, November 18, 2003,¹ from 2:00 p.m. to 4:00 p.m. Please call (202) 565-1709 to make arrangements.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Oral argument in this proceeding will be held on Wednesday, November 19, 2003, beginning at 10:00 a.m., in the Surface Transportation Board Hearing Room (Room 760), at 1925 K Street, N.W., Washington, D.C.

2. Each party must provide the Board with the full name and title of its speaker, together with a written summary (not to exceed 3 pages) of the specific points it wishes to discuss at the oral argument, by November 12, 2003.

3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

¹ This is a change from the date previously set in the October 9 decision.